

**COUNTY OF SUFFOLK**



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**DEPARTMENT OF LAW**

January 18, 2017

Hon. Arlene R. Lindsay, U.S.M.J.  
United States District Court, Eastern District of New York  
Long Island Courthouse  
100 Federal Plaza  
Central Islip, New York 11722

Re: Simmons v. County of Suffolk et al.  
CV14-CV-3884 (AMD) (ARL)

Dear Judge Lindsay:

This office represents the County of Suffolk and the Suffolk County police officers who are defendants in this civil rights action pursuant to 42 U.S.C. §1983. We submit this letter jointly with counsel for plaintiff, Eric Hecker, Esq., and Brett Klein, Esq.

We are pleased to inform the Court that Dr. DeJoseph has agreed to appear for a deposition on January 20, 2017. Accordingly, plaintiff tentatively withdraws her application of December 22, 2016, with leave to renew in the unlikely event that Dr. DeJoseph fails to appear.

Counsels have worked cooperatively to progress with discovery in this matter and we are confident that we can continue to do so. In addition to the 14 depositions of defense witnesses that have been completed, several depositions remain to be completed, including that of the plaintiff, several party and non-party officers, and the County's Rule 30(b)(6) witnesses. We are committed to completing the scheduling process by no later than January 26 (and the parties have agreed to exchange amended initial disclosures listing all anticipated trial witnesses by that date as well), such that all remaining fact depositions will be completed no later than February 17.

We are also moving forward toward the preparation of reports of our respective experts, so that the experts may be deposed. Working from the February 17 deposition completion date, I expect to receive plaintiff's expert reports no later than March 3. Defendants will

produce their expert reports no later than April 3, and the parties will complete expert depositions no later than April 28.

We do not believe that there are currently any issues which will require the involvement of the Court between now and the close of discovery. To the extent any issues arise, we expect that counsel will be able to work them out without Court supervision, which has been the case in the past.

It is the recollection of both Mr. Klein and I that when District Judge Donnelly extended discovery to the present deadline at the November 7, 2016 conference, Her Honor indicated that the Court would be open to extending the discovery schedule if the parties continued to make progress with discovery. In that vein, the parties respectfully request that the discovery schedule be extended to April 28, 2017.

Respectfully yours,

Dennis M. Brown  
Suffolk County Attorney



by Arlene S. Zwillling  
Assistant County Attorney